

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

CHRISTOPHER LANKFORD, §
Plaintiff, §
§
v. § CIVIL ACTION NO.
§ 4:19-CV-00619-JM
PLUMERVILLE, ARKANSAS, §
CONWAY COUNTY, ARKANSAS, §
ALBERT DUVALL, Individually, §
Defendants. §

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' JOINT
MOTION FOR TRADITIONAL SUMMARY JUDGMENT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE JAMES MOODY:

COMES NOW, CHRISTOPHER LANKFORD, Plaintiff, files this Response in Opposition to Defendants' Joint Motion for Traditional Summary Judgment, and will respectfully show unto the Court as follows:

1. The City of Plumerville Police Department gave Albert Duvall a police car and told him to engage in high-speed chases based on his own judgment but provided no direction on how or when to conduct those chases. Duvall decided to stop a chase by parking his car perpendicular to a highway, behind a curve, and in a shadow and then pulling his SUV forward into the path of Christopher Lankford as Lankford attempted to drive around Duvall. The result was predictable: Lankford suffered serious bodily harm, including the fractures of multiple bones and the need to amputate his leg.

2. Lankford sued the Defendants for violating his rights under 42 U.S.C. § 1983. Lankford argued that Duvall erred in using deadly force against him and that the City of Plumerville is liable for failing to train and failing to supervise Duvall.¹

¹ The Parties stipulated to the dismissal of Defendant Conway County, Arkansas. (ECF 12).

3. The Defendants filed a joint motion for summary judgment. This is Lankford's response. A brief in support has been filed contemporaneously to this response pursuant to Local Rule 56.1(b).

4. Plaintiff, in accord with Local Rule 56.1(b) and this Court's scheduling order, has filed "a separate, short and concise statement of the material facts as to which it contends a genuine dispute exists to be tried." Plaintiff incorporates that factual summary into his response and brief in full.

5. Plaintiff relies on the following summary judgment evidence and incorporates it by reference:

Exhibit A	Video of pursuit
Exhibit B	Deposition of Christopher Lankford
Exhibit C	Deposition of Adam Bryant
Exhibit D	Deposition of Albert Duvall
Exhibit E	Deposition of Taylor Dube
Exhibit F	Map of Plumerville
Exhibit G	Deposition of Geoffrey Alpert
Exhibit H	Deposition of Robert Pelsynski
Exhibit I	Deposition of Carrie Cannon
Exhibit J	Deposition of Trent Anderson
Exhibit K	Geoffrey Alpert Report

6. Plaintiff opposes Defendants' motion for summary judgment because there are genuine disputes of material facts regarding his claims of excessive force and failure to train and supervise. Moreover, Plaintiff opposes Defendants' motion for summary judgment because their conduct was objectively unreasonable and Lankford's right to be

free from the use of deadly force was clearly established at the time of the incident; thus, Defendants are not entitled to qualified immunity.

7. For the reasons and the arguments set forth in the accompanying brief, Plaintiff respectfully requests this Court deny Defendants' Motion for Summary Judgment and allow this case to proceed to a trial by jury to resolve the factual disputes.

Respectfully submitted,

/s/ James P. Roberts
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on August 18, 2019, a copy of this pleading was served on all parties of record via the Court's CM/ECF filing system.

/s/ James P. Roberts
JAMES P. ROBERTS